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January 15, 2007

Delivered by Telecopy

David Ledger, Esq.
Carlsmith Ball LLP
P.O. Box 54
Hagatna, Guam
Fax No. (671) 411-4375

Re: *Fejeran v. Freedom Air Discovery Scheduling*

Dear David:

George will be preparing for a trial in District Court here in the CNMI, so I will be handling the arrangements for proceeding with discovery in this case.

Firstly, with regard to Mr. Perez's report, we have not provided it to you because he has not, as of yet, formulated a written report. Pursuant to the Amended Case Management Scheduling Order, we have until June 1, 2007 to complete expert depositions. Since this new Order does not set any new deadlines for disclosure of expert reports, we have not, as of yet, been obliged to do so. However, I believe that we should agree to a set of deadlines for exchange of expert reports (as we have already made a partial disclosure of their resume's).

Therefore, allow me to suggest that we attempt to mirror the Court's previous Case Management Scheduling Order and count backwards from the date by which expert discovery is to be completed. That would make for a final disclosure of Plaintiff's experts (to include their written reports) by March 1, 2007 with Defendant's remaining expert disclosures by April 2, 2007. This would give us the two months contemplated by the original order to complete expert depositions and the like. Meanwhile, we can conduct the deposition of the fact witnesses. Let me know what you think of this arrangement and we can proceed.

Since you expressed some reservation as to conducting the deposition of your client's employees, I can tell you, that after his inspection of the stairs, Mr. Perez has come to the general conclusion that they are unreasonably unsafe because of the measurements of their rise and run. He also has concerns about the "railings" but needs more information which we hope to get from the depositions, etc. I hope that this is

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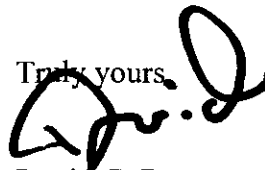
sufficient to enable us to proceed with some of the fact depositions before the exchange of expert reports. Please let me know.

Secondly, you had asked about dates upon which Mr. Fejeran would be willing to travel to Hawaii for an IME. I have spoken to Mr. Fejeran and he is currently unwilling to travel that far. Extended periods of sitting or standing in the same position put a strain on his knee and this, in turn, causes him quite a bit of discomfort. Therefore, I suggest we make arrangements to conduct Mr. Fejeran's IME here in the CNMI. He does have some flexibility in his availability, so we would be happy to make reasonable accommodations for your examiner's schedule, given sufficient notice.

Finally, with regard to a life-care planner, we have already provided you with the cv of Doris Shriver and we plan to call her as an expert if warranted. As Mr. Fejeran is still treating at the Commonwealth Health Center with Dr. Hocog (one of the physicians in our updated disclosure), we must speak with him before Ms. Shriver can formulate her opinions as to Mr. Fejeran's future needs. We are currently trying to contact Dr. Hocog, but he is apparently off-island on an extended holiday. We have been told that he will be back in his office this week and I hope to speak with him then. Once that has been done, we will make the final decision regarding Ms. Shriver and let you know whether we intend to seek her opinion or not.

Thanks again David for your efforts and cooperation in this case. I am sure we can continue to cooperate to accommodate each other and get this moving. If you have any questions, please don't hesitate to contact me.

Truly yours,

A handwritten signature in black ink, appearing to read 'David G. Banes', written over the typed name.

David G. Banes

*** TX REPORT ***

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FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (671) 477-4375

To: David Ledger, Esq.
Of: Carlsmith Ball LLP
From: David G. Banes, Esq.
Client/Matter: *3189-01/Moses Fejeran v. Freedom Air*
Date: January 8, 2007

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Letter dated January 15, 2007.	2

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MESSAGE: